

THE HONORABLE JAMES L. ROBERT

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

FRANTZ SAMSON, a Washington resident,
individually and on behalf of all others similarly
situated,

Plaintiff,

v.

UNITEDHEALTHCARE SERVICES, INC.,

Defendant.

NO. 2:19-cv-00175-JLR

**STIPULATED MOTION AND
~~PROPOSED~~ ORDER TO AMEND
CASE SCHEDULE**

Note on Motion Calendar: May 31, 2019

Pursuant to LCR 16(a)(2) and this Court's Rule 16(b) and Rule 23(d)(2) Scheduling Order Regarding Class Certification Motion (Dkt. #15), the parties respectfully submit this stipulated motion to amend the case schedule to extend the current deadlines to brief class certification and associated discovery deadlines based on the following:

1. Plaintiff filed this proposed class action lawsuit in King County Superior Court on January 9, 2019. Defendant filed a notice of removal on February 5, 2019 (Dkt. #1). Plaintiff alleges that Defendant violates the Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA") by placing calls with prerecorded messages to consumers' cellular telephones without their consent. Defendant denies Plaintiff's allegations and has asserted various affirmative defenses.

2. This Court entered a scheduling order on February 20, 2019 (Dkt. #15).

3. Defendant filed its Answer and Affirmative Defenses on March 14, 2019 (Dkt. #34).

4. On March 28, 2019, Defendant filed a motion to stay the matter pending rulings by the FCC on various issues (Dkt. #35). This Court denied Defendant's motion on May 20, 2019 (Dkt. #41).

5. The parties filed a Joint Status Report and Discovery Plan on April 10, 2019 (Dkt. #38). In the Joint Status Report, Plaintiff proposed a class certification briefing schedule that extended the class certification deadlines to allow for expert discovery. Defendant proposed that a case schedule be set after the Court ruled on its motion to stay. *See* Dkt. #38 at 5-6.

6. Plaintiff served his first Requests for Production and Interrogatories on May 3, 2019. Defendant's responses are due on June 5, 2019.

7. After the Court denied Defendant's motion to stay, the parties conferred further regarding a proposed case schedule and jointly request that the Court amend the current case management schedule and enter the following schedule:

EVENT	DEADLINE
Deadline to join additional parties and amend pleadings	July 15, 2019
Plaintiff's disclosure of experts related to class certification	September 9, 2019
Defendant's disclosure of experts related to class certification	October 7, 2019
Plaintiff's disclosure of rebuttal experts	November 4, 2019
Deadline to complete expert depositions	November 22, 2019
Plaintiff's motion for class certification due	December 13, 2019
Defendant's class certification response due	January 17, 2020
Plaintiff's class certification reply due	January 31, 2020

1 8. Good cause exists to change the scheduling order dates. The current schedule
2 does not build in time for the parties to complete ESI discovery and expert work relating to the
3 claims and defenses. The parties' proposed schedule provides time for the parties to conduct
4 fact and expert discovery related to class certification before class certification is briefed. The
5 proposed extensions of time will not unduly delay the prosecution of the case.

6 Accordingly, the parties respectfully request an order extending the deadlines consistent
7 with the schedule described in paragraph 7 of this submission.

8 RESPECTFULLY SUBMITTED AND DATED this 31st day of May, 2019.

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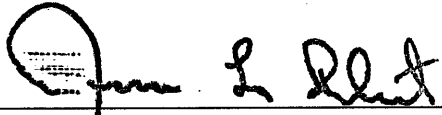
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Attorneys for Defendant

[PROPOSED] ORDER

IT IS SO ORDERED.

Dated this 31st day of May, 2019.


UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Jennifer Rust Murray, hereby certify that on May 31, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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